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NMS Supply, Inc., J.W. Construction, Inc., and
9 David R. Whiteside
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 WALTER PEREZ ESCOBAR, MARGARITO
GONZALEZ, and FRANCISCO CISNEROS-
15 ZAVALA, individually and on behalf of all others
similarly situated

16
17 Plaintiff,

18 v.

19 WHITESIDE CONSTRUCTION CORPORATION,
NMS SUPPLY, INC., J.W. CONSTRUCTION,
20 INC., and DAVID R. WHITESIDE

21 Defendants.
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) Case No. CV 08 1120 WHA

)
) **DECLARATION OF GREGORIO**
) **SIGALA IN OPPOSITION TO**
) **PLAINTIFFS' MOTION FOR**
) **CERTIFICATION OF FAIR LABOR**
) **STANDARDS ACT COLLECTIVE**
) **ACTION AND APPROVAL OF**
) **NOTICE**
)

) Date: August 21, 2008

) Time 8:00 a.m.

) Courtroom: 9

) Judge: Hon. William Alsup
)

1 I, Gregorio Sigala, declare:

2 1. I have personal knowledge of the facts set forth herein, and if called as a witness, I
3 could and would competently testify thereto. I understand and read English.

4 2. I make this declaration voluntarily, and I have not been pressured by anyone to
5 provide this declaration. Further, I have not received any payment or promise of future
6 consideration for this declaration.

7 3. I have been employed by Whiteside Construction Corporation since August, 2007.
8 During my employment with Whiteside Construction, I have been employed as a union carpenter.
9 My pay rate is determined by the Company's union contract with the Carpenters Union.

10 4. During my employment at Whiteside Construction, I have almost always driven my
11 own car from my home directly to the job site in the morning. At the beginning of my
12 employment, I became aware that I and other employees have the option either to go directly to
13 the job site at the beginning of the day or to go to the Company's yard in Richmond and obtain a
14 ride to the jobsite from there. To my knowledge, the Company does not require employees to
15 report to its yard every day before the beginning of the day's shift.

16 5. I have gone to the yard in the morning before the beginning of my shift two times
17 during my employment with Whiteside Construction. One time, I went to the yard to find out the
18 location of my assignment for the day because I did not call the office the day before. The other
19 time, I went to the yard to get a ride to the job site, located at the Chevron refinery a short distance
20 away in Richmond. On neither occasion did I help load equipment into a Company truck or my
21 car.

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I declare under penalty of perjury under the laws of the State of California and of the United States that the foregoing is true and correct.

Executed this 31st day of July 2008, at San Francisco, California.

~~IN SAN FRANCISCO CA~~ 7/31/2009
35 yrs of AGE